

THIS AGREEMENT made this _____ day of _____, 2010

BETWEEN:

THE GOVERNMENT OF PRINCE EDWARD ISLAND, as represented by the Minister of Transportation and Infrastructure Renewal,

(hereinafter referred to as the "Minister")

OF THE FIRST PART

AND:

THE GOVERNMENT OF PRINCE EDWARD ISLAND, as represented by the Minister of Environment, Energy and Forestry,

(hereinafter referred to as the "Environment Minister")

OF THE SECOND PART

AND:

DUCKS UNLIMITED CANADA, a body corporate duly incorporated under the laws of Canada, a corporation with headquarters in Stonewall, Manitoba;

(hereinafter referred to as the "Ducks Unlimited Canada")

OF THE THIRD PART

WHEREAS the Minister is the owner in fee simple of the properties identified as property numbers 83535 and 83543 lying and being at Hamilton, Lot or Township No. Eighteen (18), Prince County, Province of Prince Edward Island, and more particularly described in Schedule "A" attached herein (hereinafter referred to as the "properties");

AND WHEREAS the Environment Minister is responsible for management and care of the properties;

AND WHEREAS the Environment Minister seeks to enter into an agreement with the Minister in order that the Environment Minister may designate the properties as a Natural Area pursuant to clause 3(1)(a) of the *Natural Areas Protection Act*, R.S.P.E.I. 1988, Cap. N-2;

AND WHEREAS Ducks Unlimited Canada is in agreement with the properties being designated as a Natural Area pursuant to clause 3(1)(a) of the *Natural Areas Protection Act*, R.S.P.E.I. 1988, Cap. N-2;

AND WHEREAS the Minister is desirous of having the land managed in accordance with the management plan attached and marked as Schedule "B";

NOW THEREFORE THIS AGREEMENT WITNESSETH THAT:

In consideration of the mutual covenants and the mutual developments to be derived herein;

- (i) The Minister hereby grants to the Environment Minister and the Environment Minister hereby acquires an interest in the properties to the extent that the Environment Minister may designate them, with the exception of buildings or structures thereon, as a Natural Area pursuant to clause (3)(1)(a) of the *Natural Areas Protection Act*, R.S.P.E.I. 1988, Cap. N-2 with all the restrictions, benefits and other legal consequences which currently or in the future flow therefrom; and

- (ii) The Minister hereby agrees to allow the implementation of the management plan as set out in Schedule “B” attached hereto; and
- (iii) The Environment Minister hereby agrees to designate the properties as a Natural Area as set out in Schedule “C” attached hereto.

THIS AGREEMENT SHALL ENURE to the benefit of and be binding upon the parties herein, their successors and assigns forever.

IN WITNESS WHEREOF the parties hereto have hereunto set their hands and seals on the day and year first above written.

SIGNED, SEALED & DELIVERED
in the presence of:

) **Government of Prince Edward Island,**
) as represented by the Minister of
) Transportation and Infrastructure
) Renewal

) _____
) **Ron W. MacKinley**

SIGNED, SEALED & DELIVERED
in the presence of:

) **Government of Prince Edward Island,**
) as represented by the Minister of
) Environment, Energy and Forestry

) _____
) **Richard E. Brown**

SIGNED, SEALED & DELIVERED
in the presence of:

) **Ducks Unlimited Canada,**
) as represented by the Manager, Atlantic
) Operations

) _____
) **Tom Duffy**

SCHEDULE "A"

PROVINCIAL PROPERTY # 83535

ALL THAT PARCEL OF LAND situate, lying and being at Hamilton, in Lot or Township Number Eighteen (18), Prince County, Province of Prince Edward Island, bounded and described as follows, that is to say:

ON THE NORTH by the shore of Malpeque Bay, on the east by lands now or formerly in the possession of Thomas L. Ramsay, on the south by lands now or formerly of Frank Simpson, on the west by the shore of Richmond Bay, containing Fifty (50) acres of land a little more or less; being the lands described in Liber 68, Folio 856, Prince County Registry Office.

FURTHER BEING AND INTENDED TO BE the lands described in a Deed of Conveyance from Norman Ramsay and Shirley Ramsay to Government of Prince Edward Island dated the 23rd day of March, A.D. 1990 and registered in the Office of the Registrar of Deeds for Prince County, on the 27th day of March, A.D. 1990 in book 480, page 24, as Document No. 1069.

PROVINCIAL PROPERTY # 83543

ALL THAT PARCEL OF LAND situate, lying and being at Hamilton, in Lot or Township Number Eighteen (18), Prince County, Province of Prince Edward Island, being more particularly bounded and described as follows, that is to say:

COMMENCING at a post fixed on the edge of the shore of Malpeque Bay, running

THENCE easterly to a stake set in the west boundary line of Thomas Ramsay's land;

THENCE southerly along said land to a fixed stake or post;

THENCE northwesterly and westerly along the said Thomas Ramsay's land and northwesterly along the said Norman Mac L. Ramsay's land to the shore aforesaid at the place of commencement.

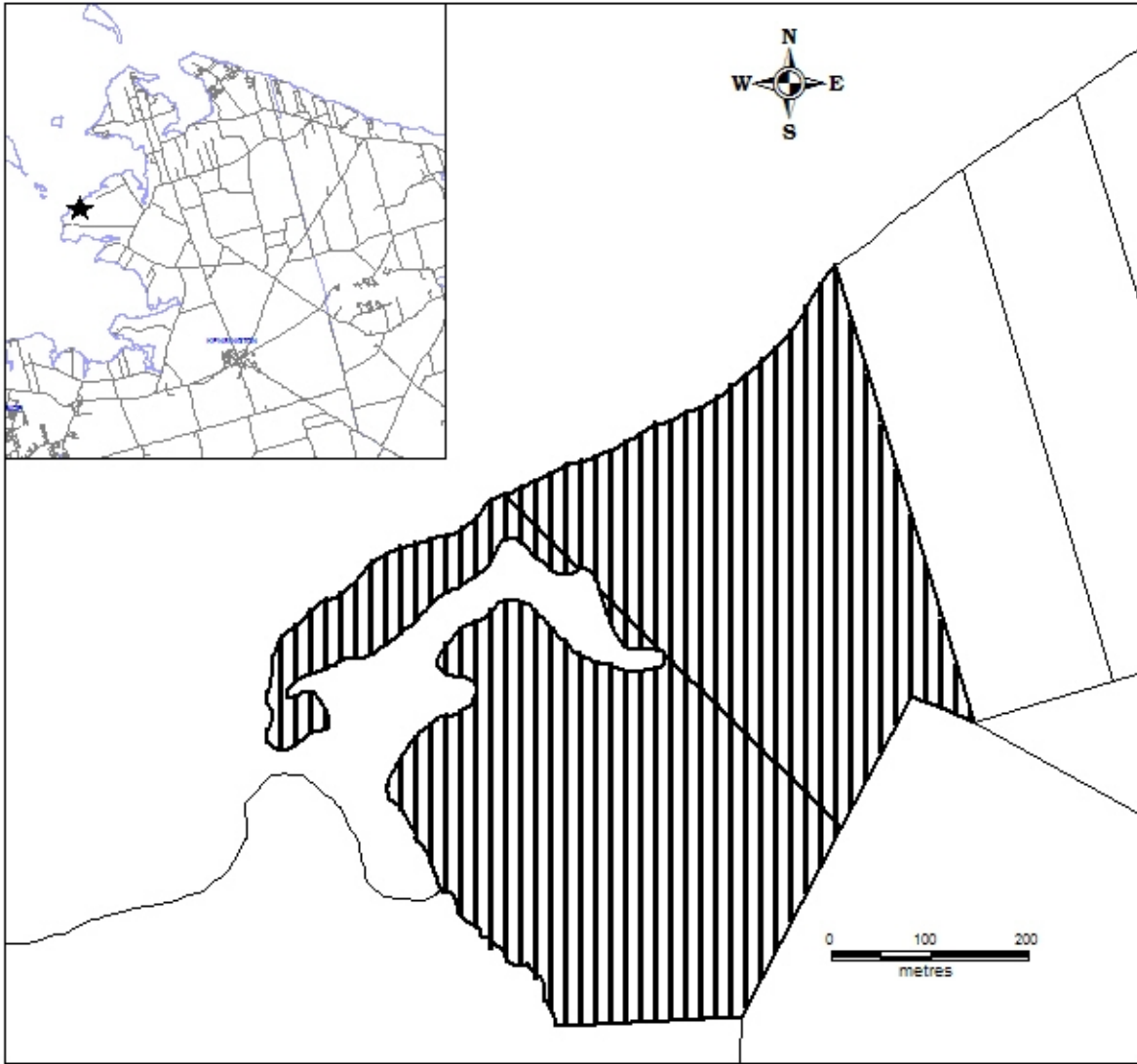
CONTAINING by estimation Fifty (50) acres of land, more or less, and being the southern moiety of One Hundred (100) acres of land conveyed to Norman Mac L. Ramsay by the Executors of the Estate of the late John Montgomery by Deed bearing date the 14th day of February, A.D. 1908.

FURTHER BEING AND INTENDED TO BE the lands described in a Deed of Conveyance from R. Dale Waddell and Joanne G. Waddell to Government of Prince Edward Island dated the 23rd day of March, A.D. 1990 and registered in the Office of the Registrar of Deeds for Prince County, on the 27th day of March, A.D. 1990 in book 480, page 25, as Document No. 1070.

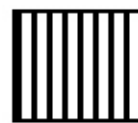
Further being illustrated on the appended map Schedule "A1".

Schedule "A1"

Malpeque Bay Salt Marsh Natural Area
Properties # 83535 and 83543



THIS MAP IS A GRAPHICAL REPRESENTATION. IT IS NOT INTENDED TO BE USED TO CALCULATE EXACT DIMENSIONS OR AREAS. IT MAY NOT BE FREE FROM ERROR OR OMISSION BUT CARE HAS BEEN TAKEN TO ENSURE THE BEST POSSIBLE QUALITY.



Core Area



Property Location

**SCHEDULE “B”
MALPEQUE BAY SALT MARSH NATURAL AREA**

DEFINITIONS

Natural Area has the meaning as set out in the *Natural Areas Protection Act*. It includes both Property Core, and if present, Property Buffer.

Property Core Area or Core means that area containing the primary feature, the salt marsh, which is the principal reason for protection of the Natural Area and its associated habitats, and is identified in North to South lines on the attached map.

Property Buffer Area or Buffer means the area of the property surrounding and/or adjacent to the Core, of which none is present on this property.

Property Area or Site Area means the total area within the boundaries of the property as set out in Schedule “A” and consists of both the Property Core Area, and if present, the Property Buffer Area.

Total Site Area is the collective site area of all properties identified for designation under the *Natural Areas Protection Act*, making up the entire Malpeque Bay Salt Marsh Candidate Natural Area.

S-rank is a code which identifies the species and community rarity or conservation status at a sub-national (provincial) scale. In this document:

S1 means - **Extremely rare**, may be especially vulnerable to extirpation (typically 5 or fewer occurrences or very few remaining individuals);

S2 means - **Rare**, may be vulnerable to extirpation due to rarity or other factors (6 to 20 occurrences or few remaining individuals);

S3 means - **Uncommon**, or found only in a restricted range, even if abundant at some locations (21 to 100 occurrences);

SE - **Exotic**, an exotic established in the province (e.g., Purple Loosestrife or Coltsfoot); may be native in nearby regions;

SNA - **Not Applicable**, a species that is not a suitable target for conservation activities.

Note: The species and community S-rank codes are developed by Provincial, Federal and Atlantic Canada Conservation Data Centres experts and the data is maintained at the Atlantic Canada Conservation Data Centre. These experts establish the S-ranks based on the best available knowledge which includes the number of occurrences as well as other data.

**MALPEQUE BAY SALT MARSH NATURAL AREA
MANAGEMENT PRINCIPLES**

All Natural Areas will be managed in accordance with the following principles:

1. The core of such areas will be protected and managed to perpetuate or improve the natural features for which they are recognized.
2. Development will be restricted to those activities which accommodate uses yet recognize the need for protection. This will include educational promotion while ensuring the health and safety of those visiting the site.
3. Use of the area will be in keeping with the protection of the natural features for which the site was recognized.
4. A minimum non-development buffer of 60 metres will be incorporated as part of a natural area where appropriate and when opportune and managed accordingly.
5. Existing development which does not conform to the other management principles will be tolerated. All new development must conform with these principles.
6. Activities such as hunting, trapping, fishing and berry picking are permitted subject to the conditions and restrictions set out herein and all other applicable legislation.

MANAGEMENT GUIDELINES

Malpeque Bay is recognized for its importance to migratory waterfowl and shorebirds. It is listed as a Wetland of International Importance, especially for waterfowl, under the Ramsar Convention. Salt marshes are a limited resource in the Bay.

Site management will be for the protection of the salt marsh and associated plants and animals.

Natural Area Management Plan

SITE:	Malpeque Bay Salt Marsh Natural Area
CLASS:	Biological
PROPERTY #:	83535 and 83543
PROPERTY OWNER:	Government of Prince Edward Island
DESIGNATION DATE:	<i>Natural Areas Protection Act</i> - _____, 2010
EXISTING USE:	Salt Marsh
PROPOSED USE:	Natural Area
PROPERTY AREA:	PID 83535 12.1 ha (30 ac) PID 83543 12.5 ha (31 ac)
SITE AREA:	PID 83535 12.1 ha (30 ac) PID 83543 12.5 ha (31 ac)
PROPERTY CORE AREA:	PID 83535 12.1 ha (30 ac) PID 83543 12.5 ha (31 ac)
PROPERTY BUFFER AREA:	0.0 ha (0.0 ac)
TOTAL SITE AREA:	657.8 ha (1625.5 ac)
MANAGING AGENCY:	P.E.I. Department of Environment Energy and Forestry (Forests, Fish and Wildlife Division) and such other parties as may be determined through agreement.

DESCRIPTION:

The salt marshes of Malpeque Bay are limited by low tidal amplitude. This site is located north of Compton's Pond, and provides habitat for waterfowl, shorebirds, and other wildlife.

GOALS:

Site management should ensure preservation of the salt marsh and conservation of associated plants and animals.

OBJECTIVES:

To allow for the salt marsh to retreat inland with rising sea levels, and to preserve the area in its current state and promote the understanding of estuarine ecosystems.

MANAGING ACTIVITIES:

The following are general managing activities:

1. Property boundary lines may be determined and delineated.
2. The area will be monitored on a regular basis to ensure that no illegal activity is occurring and to gather information.
3. Interpretive information on the natural area may be prepared and made available for the public.

Prohibitions are specified in NAPA regulations. The following managing activities are exceptions to the regulations and, unless specified, they apply to both core and buffer.

4. Signs may be erected to identify the area as a natural area.
5. Inventory work which allows for specimen and/or data collection for educational and scientific purposes including but not limited to:
 - (i) Collection of plants with S1, S2 or S3 in their sub-national rarity ranks (S-rank) listing with the Atlantic Canada Conservation Data Centre shall only occur in the amount of a maximum of one individual collected for every 20 individuals found;
 - (ii) Collection of animals for educational and scientific purposes shall be in accordance with Provincial and Federal legislation.
6. Plants with SE or SNA in their S-rank listing with the Atlantic Canada Conservation Data Centre may be manually cut, mulched, or removed as biologically appropriate.
7. Activities flowing from the restrictive covenant with Ducks Unlimited Canada are permissible with appropriate watercourse alteration permits.
8. Stream improvement could be carried out to enhance fish habitat.
9. Wildfires will be actively fought both inside and outside the natural area.

SCHEDULE "C"

ORDER OF DESIGNATION OF CROWN LAND AS A NATURAL AREA

WHEREAS pursuant to the *Natural Areas Protection Act*, R.S.P.E.I. 1988, Cap.N-2 S 3(1)(a), I am empowered to designate any area of Crown land as a Natural Area;

AND WHEREAS the area of Crown land identified by property numbers 83535 and 83543 lying and being at Hamilton, Lot or Township Number Eighteen (18), Prince County, Province of Prince Edward Island, and more particularly described in Schedule "A" attached hereto has been identified as an area which merits protecting and preserving;

AND WHEREAS the Crown landowner, the Minister of Transportation and Infrastructure Renewal, is in agreement with the said lands being designated as a Natural Area and is desirous of having the land managed in accordance with the management plan attached and marked as Schedule "B";

AND WHEREAS I have published the required notice and considered public representations as required by *Natural Areas Protection Act* clause 3(4);

I THEREFORE HEREBY ORDER that Crown lands identified as property numbers 83535 and 83543 lying and being at Hamilton, Lot or Township Number Eighteen (18), in Prince County, Province of Prince Edward Island, and more particularly described in Schedule "A" attached herein is designated as a Natural Area.

DATED this day of , 2010.

WITNESS

Richard E. Brown
Minister
Department of Environment, Energy and
Forestry